

AHr05 DOMESTIC VIOLENCE

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AHr05/01.00 GENERAL PROVISIONS

AHr05/01.01 Purpose of Chapter

AHr05/01.02 Cross Reference

AHr05/01.03 Definitions

AHr05/02.00 REQUIREMENTS AND ASSISTANCE

AHr05/02.01 Policy

AHr05/02.02 Rationale

AHr05/02.03 Procedure: Overview of Domestic Violence

AHr05/02.04 Procedure: Intent of the Department

AHr05/02.05 Procedure: Assistance for Victims

AHr05/02.06 Procedure: Assistance for Perpetrators

AHr05/02.07 Procedure: UDC Responsibility

AHr05/01.00 GENERAL PROVISIONS

AHr05/01.01 Purpose of Chapter

The purpose of this chapter is to provide an understanding of domestic violence and procedures for employees to receive training and assistance.

AHr05/01.02 Cross Reference

ACr15 Employee Critical Incident Response Team

AC 19 Staff Assistance Plan

AE 02 Code of Conduct

AGr08 Workplace Violence

AHr05/01.03 Definitions

abuser an adult who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against a cohabitant, with the goal of establishing and maintaining power and control over the victim

cohabitant an emancipated person pursuant to §15-2-1 Utah Code Ann. or a person who is 16 years of age or older who:

(1) is or was a spouse of the other party;

(2) is or was living as if a spouse of the other party;
(3) is related by blood or marriage to the other party;
(4) has one or more children in common with the other party; or
(5) resides or has resided in the same residence as the other party (this does not include the relationship of a minor child to his/her parents (natural, adoptive or step) or the relationship of minor siblings to each other)

domestic violence a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse, perpetrated by one person against a cohabitant, with the goal of establishing and maintaining power and control over the victim

domestic violence agency or a staff member of an agency that primarily or exclusively
service provider provides comprehensive services to victims of domestic violence, including residential programs, and/or provides non- residential services to victims of domestic violence

domestic violence a treatment provider licensed for domestic violence outpatient
treatment provider perpetrator treatment by the Department of Human Services, whose program is designed to eliminate violence in intimate relationships, to stop other forms of abusive behavior and to increase victim safety; standards require at least one hour per week for a minimum of sixteen weeks

EAP Employee Assistance Program

ECIRT Employee Critical Incidence Response Team

UDC Victim Services a unit within the Department that provides employees with assistance in the areas of victim's issues, rights, and services; family violence; and restorative justice

victim the cohabitant against whom an abuser directs his coercive and violent act

victim advocates individuals who provide advocacy and information to the broader group of crime victims, including victims of domestic violence; these persons are often based in, or linked with, the District or County Attorney's Offices, law enforcement agencies, or shelters

UDC Utah Department of Corrections

AHr05/02.00 REQUIREMENTS AND ASSISTANCE

AHr05/02.01 Policy

It is the policy of the Department:

- A. to have zero tolerance for domestic violence;
- B. to use early intervention and awareness strategies as a first line of defense in order to avoid or minimize the occurrence and effects of domestic violence in the workplace;
- C. to offer assistance to victims;
- D. to offer assistance to and discipline employee perpetrators of such acts in accordance with Department policy and the Department of Human Resource Management(DHRM) rules;
- E. to not tolerate domestic violence that includes harassment of any employee or client while in state offices, facilities, work sites, vehicles, or while conducting state business (including the display of any violent, aggressive or threatening behavior (physical or verbal) that results in physical injury or emotional distress, or otherwise places a person's safety or productivity at risk); and
- F. that an employee who threatens, stalks, harasses or abuses someone at the workplace or from the workplace using any state resources such as state time, workplace phones, FAX machines, mail, e-mail, or other means will be subjected to disciplinary action pursuant to DHRM Rule R477-10-2, R477- 11,and UDC policy.

AHr05/02.02 Rationale

- A. State law mandates that the UDC be in compliance with State law.
- B. It is in the best interest of the UDC to maintain compliance and provide a safe and secure environment for staff to work.

AHr05/02.03 Procedure: Overview of Domestic Violence

- A. Domestic violence is a societal problem with far reaching consequences.
 - 1. Domestic violence is not a private family matter; it has devastating effects on the victims, their children, communities and the workplace, whether or not it rises to the level of criminal conduct.
 - 2. All persons have a basic right to feel safe from harm at all times, especially in their homes, schools, communities and during the conduct of business in the workplace.
- B. Domestic violence imposes significant costs on the criminal justice system and courts, the health care system, the mental health care system and the child welfare

system. It also imposes significant costs to the workplace including poor work performance, lost workplace productivity, and an increase in the cost of health benefits.

AHr05/02.04 Procedure: Intent of the UDC

It is the intent of the UDC to minimize the devastating effects of domestic violence for our employees and the associated costs to the workplace.

AHr05/02.05 Procedure: Assistance for Victims

The Department shall provide the following assistance for victims of domestic violence regardless of whether the violence occurred in the workplace or not.

A. An employee who is or may be the victim of domestic violence or of a stalker and who needs assistance shall be encouraged to contact his or her supervisor, the UDC Victim Services Administrator, the Human Resource Bureau, or Employee Assistance Program (EAP) representative (if available) so that appropriate measures may be taken regarding safety, security, referral for assistance and, if necessary, to a shelter.

1. If the victim desires, management shall facilitate this linkage with the EAP representative.

2. Additionally, management should actively use the Victim Services Unit, ECIRT, and the EAP representatives as resources for themselves as well as the employee.

B. Information regarding an employee who is a victim of domestic violence or stalking shall be treated with confidentiality. The Department will establish confidential channels for employees to report threats of domestic violence, stalking or domestic violence concerns.

C. Workplace safety procedures shall be developed, or evaluated and modified if necessary, to ensure that they reflect the particular security risks that arise in domestic situations, and to include a response plan to ensure that all employees have clear instructions about what to do if an abuser gains access to the work site.

D. When an employee needs to be absent from work as a result of being a victim of domestic violence, such as for medical care, counseling, criminal and/or civil court proceedings, legal consultation, or relocation, management shall grant the employee maximum flexibility to arrange the work schedule in order to prevent lost wages in accordance with DHRM rules and procedures. Management shall be aware of procedures to make changes in payroll processing and benefits in a timely manner.

E. Management shall display in locations of high visibility, the current hotline or information referral number for domestic violence victim and perpetrator service resources, 1-800-897-LINK (5465).

F. Management shall cooperate fully in the enforcement of all court orders of protection (particularly orders in which abusers have been ordered to stay away from the work site).

AHr05/02.06 Procedure: Assistance for Perpetrators

A. Employees who are perpetrators of domestic violence are encouraged to seek assistance and contact their supervisor, the Human Resource Bureau, or EAP officer.

B. The Department will make every effort to grant leave time, with or without pay, or adjust the employee's work schedule for the purpose of allowing an employee to arrange for attending an approved outpatient perpetrator treatment program.

C. It is the responsibility of the employee, not the UDC, to incur all costs associated with participation in an outpatient perpetrator treatment program. Any exceptions will be according to established agency policies, procedures and the law.

AHr05/02.07 Procedure: UDC Responsibility

A. Training on domestic violence and its impact on the workplace shall be required for all managers, supervisors, employee assistance professionals (whether on-site or an outside vendor), human resources personnel, and security staff.

1. Training should provide a general overview of domestic violence to include information on the ways in which this impacts on the workplace, including the potential impact on worker productivity.

2. Emphasis should be placed on prevention and appropriate responses to violence in the workplace, including resources and referral information.

3. Training should be thorough and ongoing.

4. Workplace violence training that addresses domestic violence may also satisfy this requirement.

5. The State Domestic Violence Coordinator shall be contacted to provide assistance and expertise in this area.

B. Employers should coordinate with local law enforcement to establish response plans as part of workplace security.

1. Supervisors/managers should coordinate with the UDC HR, the UDC Victim Services Unit, and the Employee Assistance Program to facilitate referrals and resources for victims in the workplace to link with local community domestic violence programs.

2. Information regarding available services to victims and abusers through existing health plans should also be made available.